

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

NOV 18 2015

David J. Bradley, Clerk of Court

United States of America)

v.)

KEITH L. SIMON)

Case No.)

H15-1594M)

Defendant

CRIMINAL COMPLAINT

Sealed
Public and unofficial staff access
to this instrument are
prohibited by court order.

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 06/16/2015 in the county of Harris in the Southern District of
Texas, the defendant violated 18 U. S. C. § 1709, an offense described as follows:

the defendant herein, being a United States Postal Service officer or employee, did knowingly and unlawfully embezzle an item of mail and remove from an item of mail which came into his possession, was entrusted to him, and intended to be conveyed and delivered by mail through the United States Postal Service, namely, a Walmart gift card.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.


Complainant's signature

Milton Russell, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/18/2015


Judge's signature

City and state: Houston, Texas

Stephen Wm. Smith, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Milton Russell, being first duly sworn, depose and state the following:

1. I am a Special Agent with the United States Postal Service, Office of Inspector General "USPS-OIG," and have been so employed for six months. I was a Postal Inspector for approximately five years immediately prior to that. During my career, I have received training in the investigation of violations of the laws pertaining to the Postal Service as found in Title 18, United States Code.

2. The information enumerated in the paragraphs below, furnished in support of this affidavit, is derived from my own observations and upon the observations of other agents and persons involved in this investigation.

3. Keith L. SIMON was a mail handler and temporary supervisor employed by the United States Postal Service at its North Houston Processing and Distribution Center in the Southern District of Texas. Reports were received in May of 2015 that SIMON was seen removing cash and gift cards from "loose in the mail" trays and placing them in his pockets. "Loose in the mail" trays contain mail matter that has become separated from its original container during processing.

4. The reports resulted in Postal Service agents placing two test items, a Target gift card and a Walmart gift card, in "loose in the mail" trays in the area where SIMON worked on May 26, 2015. The next day, May 27, the Target card was located in the mail facility. The Walmart card did not appear. Agents reviewed postal video surveillance from May 26 and saw SIMON removing mail matter from the "loose in the mail" tray where the Walmart card had been placed.

5. Agents learned the Walmart card was used to make a purchase on June 6, 2015. Video obtained from the store where the card revealed two women, later identified as SIMON's wife and step-daughter, using it to make a purchase.


6. Two more test items were used on June 16, 2015. A greeting card, with its top-half torn to look as if it was damaged in processing, containing a \$100 bill and a loose Target gift card were placed in the "loose in the mail" tray near where SIMON worked. The video monitoring system revealed SIMON subsequently removing mail matter, including these two test items, from the "loose in the mail" tray.

7. SIMON was approached by agents and the Postal Service Police. He was taken to an office and given his Miranda warnings. SIMON was asked to remove any items from his pockets. SIMON admitted he had the Target gift card inside his pants, and also admitted taking a gift card with a \$100 bill, but said he was only protecting the items and intended to move them to a safe place. SIMON said he had never taken any mail. The agents then informed SIMON they had video of his wife and step-daughter presenting stolen gift cards. SIMON then recanted his earlier explanation and said he had stolen mail for at least a year. He said he took at least 25 gift cards and \$500 in cash.

8. SIMON had the Target gift card with him. The \$100 was later recovered from a piece of equipment near where SIMON was standing when he was approached. The envelope was later recovered nearby in another piece of equipment.

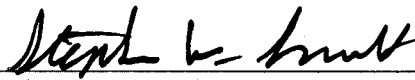
9. A written statement was obtained from SIMON. He said in it that he "... has been making some very POOR + DUMB mistakes that has jeopardize the future of my family and myself. Stealing cards and money is something that I really regret doing and that I am ashamed of."

Based on my experience and the aforementioned facts and observations, I believe there is probable cause to believe that Keith L. SIMON did knowingly commit the offense of embezzlement and removal of the contents of mail matter by a postal employee, in violation of Title 18, United States Code, Section 1709.

A handwritten signature in black ink, appearing to read "Milton Russell", written over a horizontal line.

Milton Russell
Special Agent, USPS-OIG

Sworn and subscribed to in my presence this 18th day of November, 2015, and I find probable cause.

A handwritten signature in black ink, appearing to read "Stephen Wm. Smith", written over a horizontal line.

Stephen Wm. Smith
United States Magistrate Judge